

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1 to 14 have been canceled. New claims 15 to 20 have been added. New claim 15 is supported by page 2 of the specification, 3rd paragraph, in connection with page 4, last paragraph, 1st and 2nd line and original claim 10. New claim 16 is supported by original claim 13. New claim 17 is supported by the disclosure of original claim 8. New claims 18 and 19 are supported by page 4 of the specification, 1st paragraph, last three lines. New claim 20 is supported by the disclosure of page 5, line 2 to 6. Accordingly, no new matter has been added by the amendment of the claims.

THE REJECTIONS UNDER 35 U.S.C. § 102

Claims 1 to 14 were canceled, and so the rejection of claims 10 to 12 under 35 U.S.C. § 102 are moot. Applicants respectfully submit that new claims 15 to 20 are free of the prior art cited by the Examiner.

GB 1,544,260 describes the pressure-sterilization of sealed flexible containers, in particular sachets, for pharmaceutical liquids in an autoclave thereby controlling the internal temperature and pressure in the autoclave according to the requirements of the size and material of flexible container using a kind of electronic controlling means.

The reference does not, however, disclose or suggest the sterilization of squeezable packages, selected from a tube made of a laminated polypropylene foil having a sandwich-type structure and a polypropylene bottle which are suitable for the controlled dispensation of an ophthalmic liquid solution, gel or ointment, as required by claim 15. The Examiner has already acknowledged this deficiency of the teaching of GB 1,544,260 in the Office Action with regard to the sterilization of polypropylene bottles (as part of the Examiner's rationale for rejecting the claims under 35 U.S.C. § 103). All of present claims 15 to 20 have the polypropylene bottle or foil limitation. Because GB 1,544,260 does not contain a disclosure of all of the limitations of the claims within its four corners, it cannot properly be said to anticipate any of new claims 15 to 20.

THE REJECTION UNDER 35 U.S.C. § 103(A)

The Examiner rejected claim 13 as obvious over the combined disclosures of GB-1,544,260 and EP 0322134. EP 0322134 describes the sterilization of a blister package containing a polypropylene bottle in an autoclave. The Examiner has argued that the disclosure of EP 0322134 would have motivated one of ordinary skill in the art to apply to the teaching of GB-1,544,260 to the sterilization of polypropylene bottles.

Applicants respectfully traverse, and request reconsideration. Applicants respectfully submit that the teachings of EP 0322134 and GB 1,544,260 are in direct contradiction to one another, so that they cannot be combined without acting against what is expressly required by one of the teachings.

The teaching of EP 0322134 stipulates that a squeezable polypropylene bottle must be entirely filled in order to eliminate any air enclosed in the bottle before starting the sterilization because retained air would cause expansion of the polypropylene bottle followed by a dimpling (i.e., deformation) of the polypropylene after cooling (col. 4, line 49 to col. 5, line 6). That is, EP 0322134 teaches that air **must not be** enclosed in the package during sterilization.

GB 1,544,260, on the other hand, requires that the internal volume of the flexible container to be sterilized must exceed the volume occupied by its liquid contents (1st page right col., line 79-83). This means that according to this reference air **must be** enclosed in the package during sterilization.

Because of the inconsistency in the teachings of the cited references with regard to the filling status of the packages to be autoclaved, it is respectfully submitted that the secondary reference EP 0322134 actually teaches away from what the Examiner argued would be obvious, i.e., from applying the sterilization method of GB 1,544,260 to squeezable polypropylene packages. In light of the completely incompatible teachings of the cited references, it is respectfully submitted that they cannot properly be said, alone or in combination, to render any of claims 15 to 20, which require the use of a squeezable package that is made from a tube made of a laminated polypropylene foil having a sandwich-type structure and a polypropylene bottle, obvious.

In light of the above remarks and amendments, it is respectfully submitted that the claims are in condition for allowance, and such action is earnestly solicited.

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Respectfully submitted,



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